

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Finlay, Hall, Henry, Latimer, Pyle, Rawson, Ruby, Shelley, Swift, Tracy and Word—17.

Nays—Senators Ford, Flanagan, and Gaines—3.

Senator Pyle called up House bill No. 199, "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company."

Senator Flanagan moved a call of the Senate. Call sustained.

Absent—Senators Baker, Broughton, Fountain, King, Latimer, Randle and Tendick.

The Senate being full on the appearance of the absentees, the call was suspended.

Senator Hall moved to adjourn until 10 A. M. to-morrow, which was lost by the following vote:

Yeas—Senators Ball, Dohoney, Evans, Ford, Gaines, Hall, Rawson and Word—8.

Nays—Senators Avinger, Dillard, Finlay, Flanagan, Henry, Pyle, Ruby, Shelley and Tracy—9.

Senator Hall then moved to adjourn to 9:30 A. M. to-morrow, which was lost by the following vote:

Yeas—Senators Avinger, Ball, Dohoney, Evans, Hall, Rawson and Word—7.

Nays—Senators Dillard, Ford, Finlay, Flanagan, Gaines, Henry, Pyle, Ruby, Shelley, Swift and Tracy—11.

The question then being the final passage of the bill, the same was put, and the bill passed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Shelley, Swift, Tracy, Word and Mr. President—21.

On motion of Senator Rawson, the Senate adjourned to 10 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, April 15, 1873. }

Senate met pursuant to adjournment. Roll called:  
quorum present. Prayer by the Rev. B. H. Carroll.



On motion of Senator Hall, the reading of the journal of yesterday was dispensed with.

Senator King presented a petition from the citizens of Wilson and Guadalupe counties. Read and referred to the Committee on State Affairs.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 264, entitled "An act to authorize Zimri Tate to construct, own and keep a toll bridge on the Sabine river," instruct me to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 225, entitled "An act to provide for transcribing county records," referred to them on the fifth instant, have carefully examined the same and instruct me to report it back to the Senate and recommend its passage.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 219, entitled "An act concerning proceedings in the district court," instruct me to report the same back to your honorable body with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 279, entitled "An act to authorize the County Court of Kendall county to levy a special tax to build a jail at the county seat," have examined the same and instruct me to report it back and recommend its passage.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 278, entitled "An act authorizing the County Court of Kendall county to have transcript made of deeds, mortgages, judgments, etc., from the records of the counties of Bexar, Comal and Blanco," instruct me to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, after a full investigation of the subject matter contained in Senate bill No. 276, entitled "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding indebtedness of said county," ask leave to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: I am instructed by your Committee on Judiciary No. 1, after a careful examination of Senate bill No. 275, entitled "An act to organize the county of Green," referred to them on the twelfth instant, to report the same back and ask its reference to your Committee on Counties and County Boundaries.

JOHN L. HENRY, Chairman.

Senator Dohoney, chairman *pro tem.* of the Committee on Private Land Claims, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, having had under consideration Senate bill No. 271, "An act for the relief of C. C. DeWitt, and other persons therein named," report the same back to the Senate and recommend its passage, with the following amendments.

Strike out after the word "cover," in line eleven, down to and including the word "offered," in line thirteen in the preamble, and insert the words "and older survey made under a valid Spanish grant."

E. L. DOHONEY, Chairman *pro tem.*

Senator Latimer, chairman of the Committee on Roads, Bridges and Ferries, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas," having considered the same, have authorized me to report the bill back to the Senate with the recommendation that it do pass.

H. R. LATIMER, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress," having carefully considered the same, au-



thorize me to report the bill back, with the recommendation that it do pass.

H. R. LATIMER, Chairman.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas."

HENRY C. KING, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I have the honor to report that I did yesterday at 1 o'clock present to his Excellency the Governor, for his approval and signature, Senate bill No. 190, "An act to incorporate the city bank of Sherman," and Senate bill No. 33, "An act amendatory and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company."

H. R. LATIMER, Chairman.

Senator King offered the following resolution, which was read and referred to the Committee on State Affairs.

*Resolved*, That the Secretary of the Senate be, and is hereby, authorized and required to have all the journals of the Houses of Lords and Commons, now in the Senate Library, and in a bad state of preservation, re-bound in uniform covers, and titles on the backs; and that the account for the same, sworn to by the person doing said re-binding, and approved by the Secretary of the Senate, shall be a good voucher to the Comptroller, and shall be paid out of the contingent expenses of the Senate.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 367, "An act to incorporate Marvin College."

House bill No. 373, "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."



House bill No. 229, "An act to amend article one hundred and fifty-seven of an act regulating attachments, approved January 16, 1850."

House bill No. 297, "An act to prevent horse racing in certain places."

House bill No. 399, "An act to provide for the registration of births."

House bill No. 382, "An act to repeal an act to legalize an ordinance adopted on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad in Falls and McLennan counties, approved June 18, 1870."

House bill No. 351, "An act to amend section ninety of an act to regulate proceedings in the district courts, approved May 13, 1846."

House bill No. 630, "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871."

House bill No. 419, "An act to amend section one of an act concerning private corporations, approved December 2, 1871."

House bill No. 575, "An act for the relief of the estate of John T. Storey."

House bill No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco."

House bill No. 209, "An act to regulate the issuing of land patents in certain cases."

House bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872."

House bill No. 662, "An act to incorporate Cotton Gin Seminary."

House bill No. 188, "An act for the benefit of the actual occupants of public lands."

Senator Shelley introduced a bill entitled "An act incorporating the National Rio Grande and El Paso Railroad and Telegraph Company." Read first time and referred to the Committee on Internal Improvements.

Senator Pyle introduced a bill entitled "An act con-



cerning the estates of minors and deceased persons." Read first time and referred to Committee on Judiciary No. 1.

The following House bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 150, "An act amendatory of and supplementary to an act entitled an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, 1871." Referred to Committee on State Affairs.

House bill No. 557, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company." Referred to Committee on Internal Improvements.

House bill No. 171, "An act amendatory of and supplementary to an act to incorporate the Central Bank, passed March 31, 1871." Referred to Committee on State Affairs.

House bill No. 211, "An act making an appropriation for C. R. Gibson." Referred to Committee on Claims and Accounts.

House bill No. 223, "An act for the relief of A. T. Watts." Referred to Committee on Claims and Accounts.

House bill No. 285, "An act to validate headrightland certificate No. 102, dated fifteenth of February, 1838, issued to Walter Campbell, for three hundred and sixty-nine acres of land, instead of three hundred and seventy and one-third acres, as now stated in said certificate." Referred to Committee on Judiciary No. 1.

House bill No. 691, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within one and a half miles of Sylvan Academy, in Lamar county." Referred to Committee on State Affairs.

House bill No. 566, "An act to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county." Referred to Committee on State Affairs.

House bill No. 305, "An act authorizing and requiring the Commissioner of the General Land Office to issue certain land certificates therein named." Referred to the Committee on Private Land Claims.

House bill No. 617, "An act to authorize the County Court of Hays county to issue bonds for the purpose of



funding the indebtedness of said county, and to provide for their payment." Referred to the Committee on Finance.

House concurrent resolution, instructing sheriffs to suspend collection of the one per cent. school tax for a term therein named. Referred to Judiciary Committee No. 2.

By leave, Senator Shelley introduced a bill making an appropriation to pay a judgment against the State in favor of E. M. Smith. Read first time and referred to Judiciary Committee No. 2.

The following communications were received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, April 15, 1873. }

*To the Hon. Senate of the State of Texas:*

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: Henry Shephard, pilot commissioner, Calhoun county.

Respectfully,

EDMUND J. DAVIS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, April 15, 1873. }

*To the Hon. Senate of the State of Texas:*

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:

W. B. Lawrence, Notary Public, Tarrant county.

C. F. Fernald, Notary public, Tarrant county.

John L. Dyer, Notary Public, McLennan county.

B. F. Harris, Notary Public, Johnson county.

W. F. Nelson, Notary Public, Panola county.

A. H. Rowlett, Notary Public, Panola county.

Joseph Harris, Notary Public, Panola county.

William Murray, Notary Public, Panola county.

C. A. Russell, Notary Public, Refugio county.

John Moore, Notary Public, Newton county.

T. H. Griner, Notary Public, Newton county.

H. Stevens, Notary Public, Brazoria county.

J. D. Naylor, Notary Public, Collin county.

B. D. Simpson, Notary Public, Johnson county.

J. B. Head, Notary Public, Johnson county.

W. O. Menefee, Notary Public, Johnson county.

H. H. Richards, Notary Public, Johnson county.

Very respectfully,

EDMUND J. DAVIS, Governor.



By leave, Senator Ruby presented a petition from the County Court of Brazos county. Read and referred to the Committee on Finance.

On motion of Senator Ruby, the rules were suspended to take up out of its order Senate joint resolution No. 32, "Instructing our Senators and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor of Galveston." The resolution was read second time.

Senator Finlay proposed to amend by adding "Pass Cavallo."

Senator Swift proposed to amend by adding "Sabine Pass," pending which the hour for special order arrived, viz., the matter of contest between Charles Stewart and J. G. Tracy, sitting member from the Fourteenth Senatorial District, the same was taken up.

On motion of Senator Dillard, the Senate took a recess of five minutes.

Recess expired. Roll called; quorum present.

Senator Shelley offered the following resolution:

*Resolved*, That the order of the argument in the matter of the contest between Charles Stewart and J. G. Tracy for the seat in this Senate as Senator from the Fourteenth Senatorial District, shall be as follows: The contestant shall open the discussion. The sitting member shall be entitled to two speeches by himself or counsel, or both. The contestant shall close the debate. Adopted.

The contestant Charles Stewart appeared in person and by counsel, A. J. Hamilton, within the bar of the Senate, and the sitting member J. G. Tracy in person and by counsel, J. H. Manly being present, the contestant proceeded to address the Senate in behalf of his claim to a seat in this body.

On motion the Senate adjourned until 3:30 o'clock P. M.

SENATE, 3:30 P. M.

\* Senate met pursuant to adjournment. Roll called; quorum present.

Mr. Stewart resumed his argument.

On motion of Senator Finlay, the Senate adjourned till 10 o'clock A. M. to-morrow, pending the matter of contest.